

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Criminal No. 18-292

ROBERT BOWERS

**UNITED STATES' MOTION TO UNSEAL**

AND NOW comes the United States of America, by its attorneys, Troy Rivetti, Acting United States Attorney for the Western District of Pennsylvania, Soo C. Song, Eric G. Olshan, and Nicole Vasquez Schmitt, Assistant United States Attorneys for said district, Mary J. Hahn, Trial Attorney, Civil Rights Division, and Barry K. Disney, Trial Attorney, Capital Case Section, and hereby moves to unseal the United States pleading at Doc. No. 1059.

On February 23, 2023, defendant Robert Bowers publicly filed his notice pursuant to Rule 12.2(b)(2), expressing his intent to introduce expert testimony regarding mental disease or defect, or other mental conditions in the penalty phase of the trial. Doc. No. 972. Appended to this notice, and not filed as a court document, was a letter with additional details dated February 23, 2023. In response, the United States publicly filed its Motion for a Mental Examination of the defendant at Doc. No. 1001.

On March 20, 2023, the United States filed its brief in support of a fulsome mental health evaluation of the defendant at Doc. No. 1059, under seal, in the abundance of caution and only because the defendant had not publicly referenced its letter of February 23, 2023, in its 12.2(b)(2) notice. Also on March 20, 2023, defendant publicly filed his opposition to the proposed conditions of examination by government experts, Doc. No. 1058. In this pleading, the defendant liberally cited to his letter to the United States and makes express reference to mental diagnoses and testing.

Doc. No. 1058 at 6-9. Accordingly, there is no basis for the United States pleading at Doc. No. 1059 to be sealed. The United States respectfully requests that this Court enter an order unsealing Doc. No. 1059 and its exhibits in support.

Respectfully submitted,

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